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Paper No. 3  
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DEC 06 2001

In re Application of  
Tanimoto  
Application No.: 09/871,888  
Filed: May 31, 2001  
Attorney Docket No. 81800.0157

**OFFICE OF PETITIONS**

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: DECISION GRANTING  
: PETITION  
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This is a decision on the petition entitled "REQUEST FOR CORRECTED FILING RECEIPT," filed August 15, 2001 (certificate of mailing date August 7, 2001), requesting that the above-identified application be accorded a filing date of May 31, 2001, instead of the presently accorded date of June 1, 2001, and that continuity data be corrected.

Petitioner alleges that the application was deposited in "Express Mail" service with the U. S. Postal Service, on May 31, 2001. In support, petitioner provided a copy of the Express Mail label, receipt no. EL713626591US, showing a Date-In of May 31, 2001. The same Express Mail receipt number was referred to in the original Application Transmittal Letter found in the application file. Petitioner requests that the application be accorded a filing date of May 31, 2001.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on May 31, 2001.

In view of the above, the petition is granted.

As this is a feeless petition, no petition fee has been or will be charged.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of May 31, 2001. The Office of Initial Patent Examination will mail a corrected filing receipt showing the filing date as May 31, 2001. Thereafter, the application will be forwarded to Technology Center 2600 for examination in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (703)308-6712

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for Patent Examination Policy